

REMARKS

Claims 1-14 are pending in the application. Claims 1-7 and 11-14 stand rejected in the referenced office action.

Claims 1, 5, 8 and 11 are independent claims. Claim 1 has been amended to clarify the claim language and clearly identify that the fastening device couples a first part of a unitary body of the swimsuit to a second part of the body. This is implicit in the claims and is clearly seen in Figure 2. A similar amendment has been made to claim 5.

No new matter has been added by the amendments. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

REJECTIONS UNDER 35 USC § 102

Claims 1, 2, and 5-7 are rejected under 35 USC § 102(b) as being anticipated by Holland (US 5,991,920). Claims 1 and 5 are independent claims,

Claim 1 has been amended to make clear that the fastening device couples a first part of a unitary swimsuit body to a second part of the swimsuit body. While the Applicant disagrees with the Examiner's assertion that such an arrangement (without the amendment) is disclosed in *Holland*, it is clear that the loop 3 is not part of a unitary swimsuit body and is a separate from element 4 of *Holland*.

In order for a claimed invention to be anticipated by a prior art reference under 35 USC § 102, the prior art reference must disclose each and every limitation of the claim arranged as in the claim. This is clearly lacking in the present case. Accordingly,

applicant respectfully submits that claim 1 and claims 2-4 that depend upon claim 1 are patentable under 35 USC § 102 over *Holland*.

In addition, there is no teaching or suggestion in *Holland* or the prior art of record of having a swimsuit that includes a fastening device that couples one part of a unitary swimsuit body to another part of the swimsuit body, together with the remaining limitations of claim 1. Accordingly, applicant further submits that claim 1 and claims 2-4 that depend upon claim 1 are also patentable under 35 USC § 103 over *Holland* and the prior art of record.

Claim 5 includes the substantive limitations of claim 1 discussed above. Accordingly, applicant further submits that claim 5 and claims 6-7 that depend upon claim 5 are patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record for the same reasons that claim 1 is patentable under 35 USC §§ 102-103 over *Holland* and the prior art of record

REJECTIONS UNDER 35 USC § 103

Claims 3, 4, and 11-14 are rejected under 35 USC § 103(a) as being unpatentable over *Holland*.

The patentability of claims 3 and 4 has been addressed above in the discussion of the rejection of claim 1 under 35 USC § 102.

With respect to the rejection of independent claim 11, the Examiner asserts in the referenced office action that:

"Holland provides ... A fastener (10, 10a) for detachable coupling the *rear* end of the body (4) to the loop and a storage compartment (2) on the *front* of the swimsuit (1) for compactly stowing the body (4).... Further, Holland teaches the *front end of the swimsuit having a greater width than the rear end of the swimsuit body.*" (emphasis added).

The teachings in *Holland* of the emphasized portion are the exact opposite of the invention of claim 11 and **not** what is asserted by the Examiner. The fastener of *Holland* couples the **front** end of the body to the loop. The storage compartment of *Holland* is on the **back** of the body. In contrast, the invention of claim 11 requires that the fastener couple the **back** of the body to the loop and that the storage compartment be on the **front** of the swimsuit

In view of the fact that *Holland* teaches away from two of the limitations of claim 11, applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness, and that claims 11-14 are patentable under 35 USC § 103 over *Holland* and the prior art of record. . This argument was made in response to the previous office action and applicant respectfully requests that the Examiner address this argument and point out reasons why the argument is considered to be invalid.

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 13-0010 (HOL-1002CP).

Respectfully submitted,

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KP Sriram
Kaushik P. Sriram
Registration No. 43,150
Madan, Mossman & Sriram, P.C.
2603 Augusta, Suite 700
Houston, Texas 77057
Attorneys for the Applicant
Telephone: (713) 266-1130
Facsimile: (713) 266-8510